

Proposed change to existing rules:

Rule 34(h)(1)A

Have achieved a scaled score on the uniform bar examination that is equal to or greater than the minimum acceptable score established by the Committee on Examinations and that was earned within five years prior to the applicant's taking the oath of admission and being admitted to the practice of law in Arizona, and has done so consistent with paragraph (h)(3) if this rule;

Rule 34(f)(1)A

Either (i) have been admitted by bar examination to practice law in another jurisdiction allowing for admission of Arizona lawyers on a basis equivalent to this rule, or (ii) have been admitted by bar examination to practice law in another jurisdiction that does not allow for admission of Arizona lawyers on a basis equivalent to the rule and thereafter were admitted to and primarily engaged in the active practice of law in another jurisdiction allowing admission of Arizona lawyers on a basis equivalent to this rule for three of the five years immediately preceding the date upon which the application is filed;

Rule 34(f) 3

For purposes of this rule, the active practice of law shall not include work that, as undertaken, would not have required a license to practice law in Arizona, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located. The "active practice of law" is further defined to require that at all times in the durational period the applicant has held a law license in "active" status.

Rule 39 ()

1. An applicant who meets the requirements of paragraph (f) of Rule 34, currently holds an active license to practice law in another jurisdiction in the United States, and who has been engaged in the active practice of law for three of the last five years, may provide legal services in Arizona through an office or other place for the regular practice of law in Arizona for no more than 365 days, provided that the applicant:

(a) is a licensed attorney in good standing in all courts and jurisdictions in which he or she is admitted to practice;

(b) is not currently subject to an order of attorney discipline or the subject of a pending disciplinary or disability investigation in any jurisdiction; (c) has not previously been denied admission to practice law in Arizona, has not failed the Arizona bar examination within the last three years, and has never been denied admission on character and fitness grounds in any jurisdiction;

(c) has first submitted a complete application for admission on motion based on UBE score transfer or Arizona bar examination, and has complied with the requirements of Rule 34 (f)(1)(B)(D) and (H) ;

(d) reasonably expects to fulfill all of Arizona's requirements for admission on motion;

(e) associates with and is supervised by an attorney licensed to practice in Arizona, and discloses the name, address, and membership status of that attorney;

(g) provides a signed verification form from the Arizona attorney certifying the applicant's association with and supervision by that attorney;

(h) affirmatively states in all written communications with the public and clients the following language: "Practice temporarily authorized pending admission under Rule 39; and

(i) pays the annual assessment to the Client Protection Fund.

2. Until the applicant's admission on motion is granted, the applicant may not appear before a court of record or tribunal in Arizona that requires pro hac vice admission unless the applicant is granted such admission pursuant to Rule ____.

3. the applicant must immediately notify the Committee on Character and Fitness in writing, if the applicant becomes subject to a disciplinary or disability investigation, complaint, or sanctions in any other jurisdiction at any time during the 365 days of practice authorized by this rule. The Committee on Character and Fitness shall take into account such information in determining whether to grant the attorney's application for admission to practice law in Arizona.

4. Any attorney practicing under this rule shall be subject to the Rules of Professional Conduct and the Rules of the Supreme Court regarding attorney discipline in the State of Arizona.

5. The authority given an applicant to practice law pending admission pursuant to this rule shall terminate immediately if:

- A. the applicant withdraws the application for admission on motion, or the application is denied;
- B. the applicant fails to remain in compliance with paragraph () (1) of this rule;
- C. the applicant is disbarred, suspended, or placed on disability inactive status in any other jurisdiction in which the applicant is licensed to practice law; or
- D. the applicant fails to comply with the notification requirements of paragraph () (3) of this rule.

6. Upon the termination of authority to practice law pursuant to this rule, the applicant shall:

- A. immediately cease practicing law in Arizona;
- B. notify in writing all clients in pending matters, and opposing counsel and co-counsel in pending litigation, of the termination of the applicant's authority to practice law in Arizona; and
- C. take all other necessary steps to protect the interests of the applicant's clients.